

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
)	
)	
v.)	CRIMINAL ACTION
)	NO. 05-40006-FDS
HERIBERTO RODRIGUEZ,)	
Defendant,)	
_____)	

STATUS REPORT
November 18, 2005

SWARTWOOD, C.M.J.

The following is a Status Report to Saylor, J. to whom this case is assigned:

1. Discovery

New counsel has recently been appointed to represent Mr. Rodriguez in this case. Counsel has sent a discovery request letter to the Government and the Government shall respond to that letter by November 30, 2005.

2. Further Status Conference

A further status conference shall be held in this case on December 13, 2005, at 2:15 p.m., in Courtroom 1, Fifth Floor, Donohue Federal Building, United States Courthouse, 595 Main Street, Worcester, Massachusetts.

3. Excludable Time

At the request of the Government and with the assent of counsel for Mr. Rodriguez, I am excluding from the Speedy Trial Act, the period from November 16, 2005 (date of expiration of prior order of excludable time) through December 13, 2005 (date by which the initial phase of discovery should be completed). Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Tuesday, February 21, 2006.

/s/Charles B. Swartwood, III
CHARLES B. SWARTWOOD, III
CHIEF MAGISTRATE JUDGE